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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,923	12/15/2005	Ken Maeda	1155-0288PUS1	4358
	7590 11/19/200 ART KOLASCH & BI	EXAMINER		
PO BOX 747		MESH, GENNADIY		
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
		1796		
			NOTIFICATION DATE	DELIVERY MODE
			11/19/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/560,923	MAEDA ET AL.		
Examiner	Art Unit		
GENNADIY MESH	1796		

NOTICE OF APPEAL The Notice of Appeal was filed on		GENNADIY MESH	1796					
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must itmely file one of the following reples: (1) an amendment, affidate, or other evidence with 37 CFR 1.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replection or or other continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☑ The period for reply expires ② months from the mailing date of the final rejection. b) ☐ The period for reply expires Or: (1) the mailing date of the final rejection. Examiner Note: If box is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for THE FIRMA REJECTION. See MFEP 706 307.) Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(s) and the appropriate extension fee name benefited is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee names 37 CFR 1.17(s) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action. (2) as may reduce any exame patient term adjustment. See 37 CFR 1.74(b). NOTICE OF APPEAL. 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.1.37 must be filed within two months of the date of filing the Notice of Appeal was been filed, any reply must be filed within the time period set from in 37 CFR 4.1.37(a). AMENDMENTS a) ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise the issue of new matter (see NOTE below); (b) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (c) ☐ They are not deemed to place	The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress				
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires 3 months from the mailing date of the final rejection. b) The period for reply expires 3 months from the mailing date of the final rejection. c) The period for reply expires 3 months from the mailing date of the final rejection. Examiner Note: If Dos 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS 0F THE FIRST REPL	THE REPLY FILED 12 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
a) The period for reply expires 2_months from the mailing date of the final rejection. b) The period for reply expires or: (1) the mailing date of the final rejection, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examer hate: If tox 1, is checked, check citisher box (3) or (6), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1, 136(a). The date on which the petition under 37 CFR 1, 136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee was forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, over if timely filed, may reduce any amend patent them adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed any reply must be filed within the time period set forth in 37 CFR 41.37(a). And the proposed amendment (s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) The proposed amendment (s) filed after a final rejection, but prior to the date of filing a prief, will not be entered because (b) They raise the issue of new matter (see NOTE below); (b) They raise the issue of new matter (see NOTE belo	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavit eal (with appeal fee) in compliance	r, or other evidence, w with 37 CFR 41.31; or	which places the r (3) a Request				
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than \$X MONTHS from the mailing date of the neglicity. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRMS of THE	<u></u>	of the final rejection.						
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 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a)), to avoid dismissal of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or	have been filed is the date for purposes of determining the period of ext under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the s set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	ension and the corresponding amount of hortened statutory period for reply origin	of the fee. The appropria nally set in the final Office	ate extension fee be action; or (2) as				
3	2. The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed with the property of the p	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the					
(a)		but prior to the data of filing a brief	will not be entered be					
(d)	 (a) ☐ They raise new issues that would require further cor (b) ☐ They raise the issue of new matter (see NOTE below 	nsideration and/or search (see NOT w);	E below);					
 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):		corresponding number of finally reje	cted claims.					
5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:	<u> </u>							
non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). //Gennadiy Mesh/			mpliant Amendment (l	PTOL-324).				
 7.		owable if submitted in a separate, t	imely filed amendmer	nt canceling the				
Claim(s) objected to: Claim(s) rejected: 1 and 3-9. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). // Wasu Jagannathan/	7. A For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is proved the status of the claim(s) is (or will be) as follows:		be entered and an ex	kplanation of				
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because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 13. Other: (Vasu Jagannathan)			41					
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13. Other: // Other: // Gennadiy Mesh/	11. 🛮 The request for reconsideration has been considered but	does NOT place the application in	condition for allowan	ce because:				
y continuity moons	12. ☐ Note the attached Information <i>Disclosure Statement</i>(s). (13. ☐ Other:	PTO/SB/08) Paper No(s)						

1.No amendments to claims, such as would overcome the rejections of record, were presented. 2.Applicant's arguments related to Claims 1 and 3-9 rejected under 35 U.S.C. 102(b) as being anticipated by Hori et al. (US 2002/0193555) based on statement that, catalyst disclosed by Hory is different than catalyst claimed by Applicant, because Hory use dyhydro-drying step in order to prepare catalyst. This argument was found unpersuasive, because process claimed by Applicant open to any steps, including dyhydro-drying step.